



Virginia
Regulatory
Town Hall

townhall.state.va.us

Final Regulation Agency Background Document

Agency name	20
Virginia Administrative Code (VAC) citation	8 VAC 20-690
Regulation title	Regulations for Scoliosis Screening Program
Action title	To promulgate new regulations
Document preparation date	Enter date this form is uploaded on the Town Hall

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Do not state each provision or amendment or restate the purpose and intent of the regulation.

The proposed regulations would require school divisions to do one of the following:

1. Provide information on scoliosis to parents of students in grades five through 10, including a definition of scoliosis; or
2. Implement a scoliosis screening program for students in grades five through 10; or
3. Implement a scoliosis screening program for students in selected grades five through 10 and provide information on scoliosis to parents of students in grades five through 10 not selected for screening.

Currently there is no requirement for school divisions to screen any student for scoliosis.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Superintendent of Public Instruction recommends that the Board of Education on November 17, 2004 grant final approval to the regulations governing scoliosis-screening program.

Legal basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

If the final text differs from the text at the proposed stage, please indicate whether the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

The scoliosis regulations as prescribed by HB 1834 (Reese), enacted by the 2003 General Assembly and codified in § 22.1-273.1 of the Code of Virginia, the legislation directs the Board of Education to promulgate regulations to require school boards to implement a program of regular scoliosis screenings in grades five through 10.

The Board of Education on July 23, 2003, approved the first review of Notice of Intended Regulatory Action for a program of regular scoliosis screenings for students in grades five through 10. The proposed regulations were approved by the Office of Attorney General on March 18, 2004, and the Governor’s Office on June 22, 2004. The Economic Impact Analysis for scoliosis regulations was approved by the Virginia Department of Planning and Budget on May 18, 2004. A Superintendents Informational Memorandum No. 131 that transmitted the “Statement of Administrative Impact and Projected Costs of Implementation” for the proposed regulations was sent to division superintendents on June 25, 2004. The Proposed Regulations for Scoliosis Screening were published in Virginia Register of Regulations on Monday, July 26, 2004. A public hearing on the proposed regulations was held by the Board of Education on September 22, 2004.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

This regulatory action is essential to protect the health, safety, and welfare of public school students in the commonwealth. Educators, and health care professionals recognize that the health of students impacts their ability to learn and achieve in the academic setting. The purpose of a scoliosis-screening program is to identify students with spinal deformities that may cause impairment of the body's range of motion and endurance, and in advanced stages, may cause back pain and impair functions of other parts of the body. With early identification and intervention, scoliosis may be prevented from progressing so that it does not interfere with mobility, activity, or comfort. The goal of the proposal is to ensure that parents are provided educational information on Scoliosis or that regular screenings of students for Scoliosis occur to assist with early identification of students with abnormal spinal curvatures, and to provide interventions to prevent further structural deformity and resulting secondary problems.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

Currently there are no requirements or regulations for scoliosis screening in the schools.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

The advantages of implementing the new regulations include:

- Protecting the health and welfare of public school students by identifying students with spinal deformities that may cause impairment of the body's range of motion and endurance, cause back pain, or impair functions of other parts of the body
- Providing parents with educational information on Scoliosis that emphasizes and makes them aware of the importance of early identification and the need for treatment, and that helps to allay fears of the screening procedure
- Providing parents with educational information on Scoliosis that may assist them in the observation and screening of their children
- Identifying students that may not normally be screened due to lack of health care insurance
- Ensuring a healthier school age population, which can enhance academic success

A disadvantage associated with the Scoliosis program may be the minimal fiscal impact it may have on local school divisions.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
NA		There have been no changes	

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
Alice M. Farling, Ed.D, Assistant Superintendent Fairfax Co. Public Schools	That the Board’s regulations make it clear that local school boards are not required to implement regular scoliosis screening programs for students in grades five through ten. That local school boards may choose to provide parent educational information regarding scoliosis screening instead of choosing to implement scoliosis screenings.	This request was included in the proposed regulations as it was stated in the 22.1-273.1

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
			No changes have been made

Impact on family

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

The proposed regulations will have a positive impact on families. The provision of educational information to parents on the need to screen and early identify students who may have spinal curvatures will create better awareness among parents. The provision of free screenings may help to identify students who may not normally be screened for Scoliosis due to lack of health care insurance. Assisting families in identifying the health needs of students will help to ensure that there are healthy students in classrooms whose ability to learn is not being impaired by an unidentified condition.